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OFFICE OF PETITIONS

In re Application of :
E. Michael Lunsford, et. al. :
Application No. 09/727,986 : **ON PETITION**
Filed: November 30, 2000 :
Attorney Docket No. 3COM-2962.WHD.US.P :

This is a decision on the petition under 37 CFR 1.137(b), filed on January 27, 2006, to revive the above-identified application.

The above application became abandoned for failure to file a timely response to the final Office action mailed August 13, 2004. A Notice of Abandonment was mailed on June 30, 2005.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 with the \$790 filing fee and an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

Since the RCE filed October 13, 2005 was considered improper, the \$790 will be refunded to petitioner's deposit account.

This application is being revived for consideration of the RCE filed January 27, 2006.

The application file is being referred to Technology Center Art Unit 2157.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions